

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-006500-002 DT

05/23/2006

COMM. DAVID O. CUNANAN

CLERK OF THE COURT
A. Pagel-Spaulding
Deputy

FILED: 05/31/2006

STATE OF ARIZONA

E G NOYES JR.

v.

NEIL PAUL KELLEY (002)

DAVID BURNELL SMITH

JUDGE TRUJILLO
VICTIM SERVICES DIV-CA-CCC

INITIAL PRETRIAL CONFERENCE

9:20 a.m.

State's Attorney:	Ted Noyes
Defendant's Attorney:	David Burnell Smith
Defendant:	Present
Court Reporter:	Patty Connolly

The Court has conducted an initial pretrial conference (IPTC) this date.

Based upon the avowals made to the Court by the parties, the Court finds/orders as follows:

The State has offered a plea agreement to resolve this matter. This plea offer expires on 5/30/2006.

A Final Trial Management Conference is set for **9/12/2006 at 8:45 a.m.** before Judge Richard Trujillo.

Jury Trial is set for **9/19/2006 at 11:00 a.m.** before Judge Richard Trujillo.

Estimated length of trial: 5 days

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Last Day: 10/18/2006 (0 DAYS EXCLUDED)

IT IS ORDERED setting a Status Conference and/or Change of Plea on **5/30/2006 at 1:30 p.m.** before this Court.

A DEFENDANT'S FAILURE TO APPEAR AT THE FINAL TRIAL MANAGEMENT CONFERENCE OR THE TRIAL MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR HIS OR HER ARREST AND THE FTMC AND TRIAL BEING CONDUCTED IN THE DEFENDANT'S ABSENCE.

THE TRIAL DATE SHALL NOT BE CONTINUED UNLESS A WRITTEN MOTION TO CONTINUE IS FILED AT LEAST 5 DAYS BEFORE THE TRIAL. A CONTINUANCE WILL NOT BE GRANTED UNLESS THE MOTION SHOWS THAT EXTRAORDINARY CIRCUMSTANCES EXIST. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto.)

FINAL TRIAL MANAGEMENT CONFERENCE

The purpose of the Final Trial Management Conference (FTMC) is (1) to complete final preparations for trial, and (2) to resolve pending pretrial issues, including possible settlement of the case.

IT IS ORDERED THAT COUNSEL WHO WILL TRY THE CASE AND THE DEFENDANT(S) SHALL PERSONALLY ATTEND THE CONFERENCE. VICTIMS SHALL BE NOTIFIED OF THE CONFERENCE.

JOINT PRETRIAL STATEMENT

Counsel shall meet and confer prior to the FTMC and jointly prepare a Joint Pretrial Statement (JPTS) using the approved form. The JPTS form is to be provided to the trial Judge prior to the FTMC.

IT IS FURTHER ORDERED affirming prior release orders.

9:23 a.m. Matter concludes.

NOTICE: IT IS THE RESPONSIBILITY OF COUNSEL TO NOTIFY THE COURT BEFORE WHICH A HEARING WILL BE HELD 48 HOURS IN ADVANCE OF ANY HEARING NEEDING AN INTERPRETER FOR A VICTIM OR A WITNESS. (10 BUSINESS DAYS FOR ANY LANGUAGE OTHER THAN SPANISH.)